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OFFICE OF PETITIONS

BARNES & THORNBURG, LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

In re Application of :
Ahmadi, et al. : DECISION ON PETITION
Application No. 09/776,620 :
Filed: February 2, 2001 :
Docket No.: 476-1988 :

This is a decision on the petition, filed April 25, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment.

The application became abandoned August 22, 2005 for failure to timely submit a proper reply to Office communication mailed June 21, 2005. The Office communication set a two month non-extendible period of time for reply. Notice of Abandonment was mailed April 11, 2006.

Petitioners allege that a response to the outstanding Office action was timely submitted July 20, 2005 and have included as proof of submission and receipt thereof a copy of the response as well as a date stamped return postcard.

Petitioners further argue that the response submitted July 20, 2005, while intended for the instant application, i.e., U.S. App. No. 09/776,620, contained the incorrect application number, namely, 09/846,096.

A communication was received by the Office on July 25, 2005. This communication was matched to the serial number identified therein, namely, serial No. 09/846,096. The communication did not timely reach the intended application (09/776,620) due to petitioners' error. As a result of this error, the application became abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicants failed to correctly identify the application by citing an incorrect application number in the response.

In fact, the response and return postcard bore no identifiers that would have enabled the Office to correctly determine the intended application. The response and/or postcard bore the incorrect

inventor, application number, filing date, invention title, examiner of record, art unit, and attorney docket number.

These errors, having been made by applicants' duly authorized and voluntarily chosen legal representative, cannot be deemed correctable, minor errors within the meaning of MPEP 502.

In view thereof, the petition to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay in timely submitting a properly reply to the Notice was unintentional pursuant to 37 CFR 1.137(b) respectively. See MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions